

**DIVISION OF ENVIRONMENTAL HEALTH
SOLID WASTE PROGRAM
410 WILLOUGHBY AVENUE, SUITE 303
JUNEAU, ALASKA 99801-1795
<http://www.state.ak.us/dec/home.htm>**

**Telephone: (907) 465-5162
Fax: (907) 465-5164**

May 23, 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Jim Loaris, CPF
Afognak Native Corporation
Timber Operations Manager
PO Box 1277
Kodiak, Alaska 99615

Dear Mr. Loaris:

The Department of Environmental Conservation has completed its evaluation of your request for a solid waste disposal permit for the disposal of woodwaste on Afognak Island. Please review the conditions and stipulations in the permit and ensure people who conduct waste disposal operations understand them. This permit is effective upon issuance and expires May 23, 2007.

The Department waives the requirements for groundwater characterization and monitoring 18 AAC 60.210(b)(10) soil borings, 18 AAC 60.210(b)(11) potential usefulness of the underlying aquifer, and the groundwater monitoring requirements in 18 AAC 60.820-860. These waivers are granted because of the close proximity of the site to marine water, operational conditions and local subsurface conditions that work to pose little threat to groundwater of resource value. Leachate, if it were to develop, would most likely be expressed in the surface water. Monitoring of surface water related to the site would be the most effective and least costly method of detecting the impact of the facility on the receiving environment.

The Department will not waive regulation 18 AAC 60.245 for prompt closure that requires final cover placed to those waste management areas that have reached final elevation within 90 days. As the site approaches the designed final contours you should make plans to close the site promptly. We see no advantage to any delay when the site is full.

You requested a waiver to 18 AAC 60.390 that requires permanent markers to be placed at the site. This requirement is for municipal landfills and does not apply to a woodwaste monofill. However, you

are required under 18 AAC 60.490(a)(3) to record the geographical boundaries of the waste management unit in a notation on the deed to the property upon closure of the facility. Please refer to Appendix B for an explanation and rationale behind the approval of these waivers.

Any person who disagrees with this decision may request an adjudicatory hearing in accordance with 18 AAC 15.200-310. Hearing requests must be delivered to the Commissioner of the Department of Environmental Conservation, 555 Cordova, Anchorage, Alaska 99501, within 30 days of receipt of this letter. If a hearing is not requested within 30 days, the right to appeal is waived. Even if an adjudicatory hearing has been requested and granted, all permit conditions remain in full force and effect.

Sincerely,

Heather T. Stockard
Solid Waste Program Manager

cc: Kevin Morgan, US Army Corp of Engineers, Anchorage
Karlee Gaskill, Alaska DNR, Anchorage
Wayne Dolezal, Alaska DF&G, Anchorage
Bob Scholze, Kodiak Island Borough, Kodiak
Glenn Miller, ADEC Solid Waste Program, Juneau
Maureen McCrea, ADGC, Anchorage

**STATE OF ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF ENVIRONMENTAL HEALTH
410 WILLOUGHBY AVENUE, SUITE 105
JUNEAU, ALASKA 99801**

**WOODWASTE
SOLID WASTE DISPOSAL PERMIT**

**AFOGNAK NATIVE CORPORATION SOLID WASTE DISPOSAL FACILITY
AFOGNAK ISLAND, ALASKA**

PERMIT #0223-BA001

Page 3 of 7
DATE ISSUED: May 23, 2002

This permit is issued to Afognak Native Corporation for the management and operation of a woodwaste disposal facility. The 4.9 acre disposal site is located on the east side of Kazakof Bay on Afognak Island , T.23S., R.20W., Section 16, Seward Meridian. Disposal shall include approximately 2,500 cubic yards of woodwaste of which 95% of the volume shall be small sized woodwaste (less than one cubic foot in volume). Up to 5% of the volume may be pieces measuring between 1-5 cubic feet in size). The disposal operation is expected to last for 15 years. Operation of this facility is subject to the design and plans submitted in the application, the conditions contained in the permit, and the solid waste regulations. Modifications may be requested by the permittee but must be authorized in writing or by a permit amendment.

This permit is subject to the conditions and stipulations contained in the following Appendices:

Appendix A: Conditions	Page 4
Appendix B: Waivers	Page 4
Appendix C: General Conditions	Page 5
Appendix D: Alaska Coastal Management Program Stipulations ..	Page 7

This permit is issued under provisions of Alaska Statutes 46.03, the Alaska Administrative Code, Title 18, Chapters 15 and 60, as amended or revised, and other applicable State laws and regulations.

Heather T. Stockard
Solid Waste Program Manager

APPENDIX A: CONDITIONS

1. The following documents are incorporated as part of the permit.

Permit application, as submitted to the Solid Waste Program on December 13, 2001. If anything in the permit application conflicts with requirements of Appendix A, Appendix B, Appendix C, Appendix D or state laws, then the requirements of Appendix A, Appendix B, Appendix C, Appendix D and state laws take precedence.

2. The following site specific conditions are part of the permit:

Build the landfill as designed and in the planned location. Any changes in design, construction or operation of the site must be approved by the Department prior to the change. ***If the landfill is not built according to design or in the wrong location, the permit is invalid.***

3. The Permittee shall:

- A. report to the Department spills and other incidents, such as hazardous materials delivered to or left at the site, and;
- B. prevent fires and spontaneous combustion hazards at the site.

APPENDIX B: WAIVER

The Department waives the requirements for groundwater characterization and monitoring 18 AAC 60.210(b)(10) soil borings, 18 AAC 60.210(b)(11) potential usefulness of the underlying aquifer, and the groundwater monitoring requirements in 18 AAC 60.820-860. These waivers are granted because of the close proximity of the site to marine water, operational conditions and local subsurface conditions that work to pose little threat to groundwater of resource value. Leachate, if it were to develop, would most likely be expressed in the surface water. Monitoring of surface water related to the site would be the most effective and least costly method of detecting the impact of the facility on the receiving environment.

The landfill is located approximately 200 feet from the ocean at an elevation of 20-40 feet above sea level. The groundwater downgradient of the facility (between the facility and the ocean) is likely influenced by the ocean. Groundwater, if encountered, may have little resource value because of this.

The operation described in the application utilizes bottom-up development and prevents end-dumping. Additionally, the woodwaste to be disposed will consist of uniform particles less than 1 cubic foot in size. The consistently small size of the woodwaste and the prescribed bottom-up development of the

pile will facilitate effective compaction. Water that falls onto the facility would not pass readily through the waste to gain access to groundwater.

Local subsurface conditions work to restrict downward movement of water toward groundwater. The ground under the landfill contains layers of sedimentary rock (graywacke), slate, conglomerate and igneous rocks. The upper ground surface composed of an organic peat layer. These layers do not easily pass water. The weight of the landfill compresses the peat layer that works to form a barrier to downward migration of landfill associated water.

If a meaningful groundwater monitoring system in the area were possible, it would involve extensive hydrogeological study. This would likely be prohibitively expensive. There are no known water supplies in the area, which use or will likely use groundwater because of the expense and uncertainty involved in developing one. For these reasons compliance with groundwater monitoring regulations would cost significantly more than the value of the environmental benefit or public health risk reduction.

The solid waste program believes that visual monitoring is the most practical cost-effective way to detect potential releases from this landfill. 18 AAC 60 requires monthly visual monitoring with sampling and analysis of leachates if they are found.

APPENDIX C: GENERAL CONDITIONS

1. ACCESS AND INSPECTION

The permittee shall allow the Commissioner or his representative access to the permitted facilities at reasonable times to conduct scheduled or unscheduled inspections or tests to determine compliance with this permit, State laws, and regulations.

2. INFORMATION ACCESS

Except for information relating to confidential processes or methods of manufacture, all records and reports submitted in accordance with the terms of this permit shall be available for public inspection at the State of Alaska, Department of Environmental Conservation, 410 Willoughby Avenue, Juneau, Alaska 99801.

3. CIVIL AND CRIMINAL LIABILITY

Nothing in this permit shall relieve the permittee from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond his control, including, but not limited to, accidents, equipment breakdowns, or labor disputes.

4. AVAILABILITY

The permittee shall post or maintain a copy of this permit available to the public at the disposal facility.

5. ADVERSE IMPACT

The permittee shall take all necessary means to minimize any adverse impacts to the receiving waters or lands resulting from noncompliance with any limitation specified in this permit, including any additional monitoring needed to determine the nature and impact of the noncomplying activity. The permittee shall clean up and restore all areas adversely impacted by the noncompliance.

6. CULTURAL OR PALEONTOLOGICAL RESOURCES

Should cultural or paleontological resources be discovered as a result of this activity, work which would disturb such resources is to be stopped, and the State Historic Preservation Office, Division of Parks and Outdoor Recreation, Department of Natural Resources, is to be notified immediately (907-269-8721).

7. APPLICATIONS FOR RENEWAL

In accordance with 18 AAC 15.100(d), applications for renewal or amendment of this permit must be made no later than 30 days before the expiration date of the permit or the planned effective date of the amendment.

8. OTHER LEGAL OBLIGATIONS

The requirements, duties, and obligations set forth in this permit are in addition to any requirements, duties, or obligations contained in any permit that the Alaska Department of Environmental Conservation or the U.S. Environmental Protection Agency has issued

or may issue to the permittee. This permit does not relieve the permittee from the duty to obtain any and all necessary permits and to comply with the requirements contained in any such permit or with applicable state and federal laws and regulations. All activities conducted by the permittee pursuant to the terms of this permit and all plans implemented by the permittee pursuant to the terms of this permit shall comply with all applicable state and federal laws and regulations.

9. POLLUTION PREVENTION

In order to prevent and minimize present and future pollution, when making management decisions that affect waste generation, the permittee shall consider the following order of priority

options: waste source reduction; recycling of waste; waste treatment; and waste disposal.

APPENDIX D: ALASKA COASTAL MANAGEMENT PROGRAM STIPULATIONS

1. A conditional use permit (CUP) review and approval by the Borough Planning and Zoning Commission is required if the disposal site receives waste generated by some other activity or in some other location.